

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACHARY AUGUSTUS SMULSKI

Defendant.

NO. CR16-239RSL

~~PROPOSED~~ SCHEDULING ORDER

By request of the parties, the Court hereby enters and order the parties to comply  
with the complex case schedule set forth below.

//

//

//

SCHEDULING ORDER - 1  
SMULSKI/CR16-239RSL

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970

| Event                                                                                                                                                                                                                                                                                                                                                                                    | Deadline/Date  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Deadline to file pretrial motions.<br>Responses due March 24; Reply briefs<br>due March 28; Noting Date: March 31st                                                                                                                                                                                                                                                                      | March 3, 2017  |
| Government to provide discovery under<br>Fed. R. Crim. P. 16(a)(1)(A)-(F) and<br>Local CrR 16(a)(1), with continuing<br>obligation as set forth in Rule 16(c) for<br>additional materials obtained by trial<br>subpoena or from witnesses during trial<br>preparation                                                                                                                    | March 10, 2017 |
| Defendant to provide discovery under<br>Rule 16(b)(1)(A)-(B), and Local CrR<br>16(a)(2), with continuing obligation as<br>set forth in Rule 16(c); Defendant to<br>provide notice of alibi defense under<br>Fed. R. Crim. P. 12.1 and/or mental<br>health defense under Fed. R. Crim. P.<br>12.2; Defendant to provide notice of<br>advice of counsel defense and relevant<br>discovery. | March 24, 2017 |
| Government to provide expert<br>disclosure with Rule 16 written<br>summary                                                                                                                                                                                                                                                                                                               | March 31, 2017 |
| Defendant to provide expert disclosure<br>with Rule 16 written summary along<br>with expert rebuttal disclosure.                                                                                                                                                                                                                                                                         | April 7, 2017  |
| Government to provide FRE 404(b)<br>notices                                                                                                                                                                                                                                                                                                                                              | April 14, 2017 |
| Government to provide rebuttal expert<br>disclosures                                                                                                                                                                                                                                                                                                                                     | April 21, 2017 |
| Status Conference/ Hearing on Pretrial<br>Motions                                                                                                                                                                                                                                                                                                                                        |                |

|    |                                                                                                                                                                                       |                |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1  | Parties to file motions in limine in addition to any motions re: 404(b) and inextricably intertwined evidence.                                                                        | April 26, 2017 |
| 2  | Responses due May 10, 2017; Reply briefs due May 17, 2017; Noting Date: May 17, 2017                                                                                                  |                |
| 3  | Status Conference/ Hearing on Motions In Limine                                                                                                                                       |                |
| 4  | Government's witness list and exhibit list related to its case-in-chief                                                                                                               | May 5, 2017    |
| 5  | Government to produce all summary exhibits and underlying data under Fed. R. Evid. 1006                                                                                               | May 12, 2017   |
| 6  | Defendant's witness list and exhibit list related to its case-in-chief                                                                                                                | May 12, 2017   |
| 7  | Defendant to produce all summary exhibits and underlying data under Fed. R. Evid. 1006                                                                                                | May 24, 2017   |
| 8  | Government to produce Jencks Act, Rule 26.2 and <i>Giglio</i> impeachment materials, including information relating to known non-testifying declarants under Fed.R.Evid. 806 (if any) | June 2, 2017   |
| 9  | Defendant to produce Jencks Act materials                                                                                                                                             | June 2, 2017   |
| 10 | Trial Briefs, Proposed Jury Instructions, Voir Dire, and Verdict Forms                                                                                                                | June 2, 2017   |
| 11 | Pretrial Conference                                                                                                                                                                   |                |
| 12 | Trial                                                                                                                                                                                 | June 12, 2017  |

1 This order moots the United States' motion for discovery. See Dkt. #28.

2 Accordingly, that motion is denied, without prejudice.

3  
4 SO ORDERED.

5 Dated this 9<sup>th</sup> day of March, 2017.

6  
7  
8 

9  
10 ROBERT S. LASNIK  
11 U.S. DISTRICT COURT JUDGE  
12

13 Presented by:

14 /s/ Francis Franze-Nakamura

15 FRANCIS FRANZE-NAKAMURA

16 Assistant United States Attorney

17 United States Attorney's Office

18 700 Stewart Street, Suite 5220

19 Seattle, Washington 98101-1271

20 Phone: (206) 553-4402

21 Fax: (206) 553-4440

22 E-mail: Francis.Franze-Nakamura@usdoj.gov

23 /s/ Allen R. Bentley

24 ALLEN R. BENTLEY

25 WSBA NO. 12275

26 Law Offices of Allen R. Bentley

27 1111 Third Avenue

28 Seattle, WA 98101

Telephone: (206) 343-9391

Fax: (206) 682-3746

Email: abentley@concentric.net